IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

CRL.A.No. 186 of 2002(A)

ST.82/2001 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA
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APPELLANT: COMPLAINANT

VIDHYADHARAN V., VALIYAPARAMBIL VEEDU, AVALUKKUNNU P.O., ALAPPUZHA, POWER OF ATTORNEY HOLDER OF V.Z.JOB, 83 YEARS, VAIKATHUKARAN HOUSE, ALAPPUZHA.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.R.KRISHNAKUMAR

RESPONDENTS: ACCUSED
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1. AJITHKUMAR S., MANGALASSERIL HOUSE, MARUTHPRAVATTOM P.O., CHERTHALA, ALAPPUZHA.

2. STATE,REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.56 of 2002

Dated this the 26th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent. It is submitted that he was laid up on that particular date of posting of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 20.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl